

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**AARON D. YOUNKER,**

**Plaintiff,**

**v.**

**ERIC J. ALLEN,**

**Defendant.**

**Case No. 2:13-cv-1128**

**JUDGE GREGORY L. FROST**

**Magistrate Judge Mark R. Abel**

**ORDER**

This matter is before the Court for consideration of the Magistrate Judge's November 26, 2013 Initial Screening Report and Recommendation. (ECF No. 4.) In that document, the Magistrate Judge conducted an initial screening of Plaintiff's complaint pursuant to 28 U.S.C. § 1915A(a) and (b) and 42 U.S.C. § 1997e(c) and recommended that this Court dismiss the complaint for failure to state a claim upon which the Court can grant relief.

It is unclear to this Court why the Magistrate Judge proceeded under 28 U.S.C. § 1915A(a) and (b) and 42 U.S.C. § 1997e(c) because Plaintiff is not a prisoner. The Court need not address the issue, however, because in his objection to the Report and Recommendation, Plaintiff asks the Court to dismiss this action without prejudice. (ECF No. 7, at Page ID # 80.) The Court **GRANTS** the motion to dismiss and **DISMISSES WITHOUT PREJUDICE** this action. The Initial Screening Report and Recommendation is moot. (ECF No. 4.)

**IT IS SO ORDERED.**

/s/ Gregory L. Frost  
GREGORY L. FROST  
UNITED STATES DISTRICT JUDGE